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Kirit C. Shah, M.D. v. Stan Harris and Nancy Harris

Lesson 2: How long is too long?

A lesson plan for secondary teachers on the statute of limitations*

*The staff of the judicial branch chose this case as a useful tool to teach an interesting aspect of the law. Its selection has no bearing on how the case will ultimately be decided. Since the members of the court did not participate in the preparation of the lesson plan, the issues raised in it will not necessarily be addressed in the oral argument.

Background:

Teachers should ask their students to read the [case summary](#) and the briefs of the appellant (the person bringing the case) [Kirit C. Shah, M.D.](#) and the appellees (the people who won in the court decision at the trial court) [Stan and Nancy Harris](#), and watch the October 9, 2001 oral argument before the Indiana Court of Appeals. These materials are available on-line at <http://www.in.gov/judiciary/education/oao.html>

A separate lesson, giving an overview of the [structure of Indiana's court system](#), is also available to provide students with general information about how the court works.

A [glossary](#) of legal terms used in this and other Courts in the Classroom lesson plans is available on-line as well.

Learning Objectives:

At the end of this lesson students should be able to:

1. Understand the legal term statute of limitations and how it varies based on the type of criminal or civil activity under discussion;
2. Discern the applicable statute of limitations given an hypothetical or actual situation;
3. Discuss the possible interpretations of the medical malpractice statute of limitations, based on the information available to them in the Indiana Court of Appeals case of [Shah v. Harris](#) (October 9, 2001).

Learning Activities:

1. Using the resources of a local library or the Internet, have students research the legal definition of “statute of limitations.” The [Find Law](#) website offers a good basic definition and some hypothetical examples.
2. Ask your students to search the Indiana Code for all mentions of “statute of limitations.” ([Article 34](#) sections 11 and 18 are especially helpful). Have them prepare a list of offenses (burglary, murder, trespassing, medical malpractice, etc.) and the applicable statute of limitations. Are there any offenses that do not have a statute of limitation?
3. Ask your students to search the [Indiana Judicial Opinions archives](#) for opinions concerning statute of limitations cases. Assign students to read the opinions for several of the cases they find. You might consider choosing cases that cover a range of offenses, or choosing several that deal with the same topic, for example the medical malpractice issue raised in the case *Shah v. Harris*. (In the [briefs](#) posted for the Shah case each lawyer also provides a list of cases they draw from while constructing their argument. This will give students an extensive list of cases concerning medical malpractice.)
4. An issue often raised in medical malpractice suits is the constitutionality of denying defendants access to the courts under the two-year statute of limitations. Ask students to [read Article I](#) sections 12 and 23 of the Indiana Constitution and former Justice Myra Selby’s opinion in the case of [Martin v. Richey](#) as background for discussing this issue.

For Further Study:

Justice Selby, in her *Martin* opinion, explicitly discusses the Indiana Constitution’s “privileges and immunities clause” ([Article 1 section 23](#)). The Court’s decision in *Collins v. Day* receives particularly close scrutiny. Teachers wishing to further explore constitutional issues relating to the due process and equal protection clause of the Indiana constitution might consider asking students to read *Collins* and to search for similar cases in the federal constitution and courts. While *Collins* was decided in 1994, well before we began our online judicial archives, many libraries have subscriptions to Lexis-Nexus, an on-line legal database, and/or the bound Indiana Cases. The appropriate citation for *Collins* in either source is 644 N.E.2d 72 (Ind. 1994).

The Cornell University Legal Institute website is one of many keyword searchable sources for [federal opinions](#). The Library of Congress website provides links to the [U.S. Constitution](#) as well as other historical documents relating to the founding era, including the Thomas Jefferson papers.

The [Find Law](#) website allows interested parties to search any number of legal issues. The site includes links to federal and state statutes and opinions, law schools, legal forms, allows for searches on general legal topics, and so forth.

Related Indiana Social Studies Standards

U.S. Government.1.9: Explain how the rule of law, embodied in a constitution, limits government to protect the rights of individuals.

U.S. Government.1.13: Examine fundamental documents in the American political tradition..., the [United States Constitution](#),...the Indiana Constitutions of [1816](#) and [1851](#) to identify key ideas regarding the nature of limited government and the protection of individual rights.

U.S. Government.3.15: Compare core documents associated with the protection of individual rights, including the [Northwest Ordinance](#), the [Bill of Rights](#), the [Fourteenth Amendment](#) to the United States Constitution, and [Article I of the Indiana Constitution](#).